

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201132881  
Issue No. 3000  
Case No. [REDACTED]  
Hearing Date: June 6, 2011  
Wayne County DHS (41)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on June 6, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS and Claimant properly agreed that DHS would supplement Claimant for Food Assistance Program (FAP) benefits not received since 4/2010 as a result of DHS inexplicably not including Claimant's child in determining Claimant's FAP benefit issuances.

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant gave birth to a child in 3/2010.
3. DHS failed to factor Claimant's child in Claimant's FAP benefit issuances after 3/2010.
4. On 4/16/11, Claimant requested a hearing to dispute the failure of DHS to factor Claimant's child in the FAP benefit issuances after 3/2010.

5. DHS and Claimant reached an agreement that DHS would supplement Claimant for FAP benefits since 4/2010 to correct the error of not timely including Claimant's child in Claimant's FAP benefit issuances.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (formerly known as the Food Stamp Program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400. 10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 4/2010, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

BAM 220 directs DHS specialists to BEM 550 to determine the effect of a group member addition to a FAP benefit group. A member addition that increases benefits is effective the month after it is reported. BEM 550 at 3.

In the present case, Claimant requested a hearing to dispute a failure by DHS to increase her FAP benefits following the birth of a child in 3/2010. DHS did not attempt to justify the failure to factor the child in Claimant's FAP benefit determination and agreed to add the child effective 4/2010 and to supplement Claimant for any FAP benefits not received as a result of the DHS error. Claimant agreed to this resolution. As the agreement between Claimant and DHS appears to comply with DHS regulation, the undersigned accepts the agreement between Claimant and DHS as an appropriate resolution to Claimant's dispute.


### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant's FAP benefits beginning 4/2010. It is ordered that DHS:

- redetermine Claimant's FAP benefit eligibility by adding Claimant's child (born in 3/2010) to the FAP benefit determination for 4/2010 and future months; and
- supplement Claimant for any FAP benefits not received as a result of the DHS error.

201132881/CG

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services



Date Signed: June 15, 2011

Date Mailed: June 15, 2011

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.

CG/ctl

cc:   
Wayne County DHS (41)/1843  
  
Christian Gardocki  
Administrative Hearings